

TEMPORARY

No. 68654-T

TEMPORARY

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF
NEVADA HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office MAR 26 2002

Returned to applicant for correction _____

Corrected application filed _____

Map filed MAR 26 2002 under 68652-T

The applicant **Dry Lake Water Company, LLC** hereby makes application for permission to change the **point of diversion** of water heretofore appropriated under **Permit #66165**

1. The source of water is **underground**
2. The amount of water to be changed **0.75 cfs and 542.98 afa**
3. The water to be used for **quasi-municipal**
4. The water heretofore permitted for **quasi-municipal**
5. The water is to be diverted at the following point **within NE¼ NE¼ of Sec. 13 T19S R63E MDBM at a point that bears N 76° 47' 59" W at a distance of 5180.00 ft to the NW corner of said Sec. 13.**
6. The existing permitted point of diversion is located within **SW¼ NW¼ of Sec 18 T19S R64E MDBM at a point that bears N 18° 28' W at a distance of 2085.0 ft to the NW corner of said Sec. 18**
7. Proposed place of use **See Exhibit A and attached Place of Use Map. Place of Use is identical to that described in Permit #66165. This is not intended to be a change in Place of Use.**
8. Existing place of use **See Exhibit A and attached Place of Use Map. Place of Use is identical to that described in Permit #66165. This is not intended to be a change in Place of Use.**
9. Use will be from **January 1 to December 31** of each year.
10. Use was permitted from **January 1 to December 31** of each year.
11. Description of proposed works **drilled well, casing, submersible pump and motor, distribution system to place of use.**
12. Estimated cost of works **\$5,500,000**
13. Estimated time required to construct works **2 years**
14. Estimated time required to complete the application of water to beneficial use **5 years**
15. Remarks: **This is a temporary application intended solely to allow time for the State Engineer to approve the permanent change applications discussed below and to allow Dry Lake to use the existing well-site construction throughout the approval process. Water is to be used within Apex Industrial Park using wells BM-1 and BM-2 that were constructed via**

temporary permits #67139-T and 67141-T which expire on April 8, 2002. Applications #68350-68353 to permanently change the points of diversion for permits #66163-66166 have been filed in the State Engineer's Office to match existing BLM permits. This temporary application corresponds directly to permanent change application #68351.

By Adam Titus
s/Adam Titus
2701 N. Tenaya Way
Las Vegas, NV 89128

Compared my/cm f ds/cm f

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions.

This temporary permit to change the point of diversion of the waters of an underground source as heretofore granted under Permit 66165, is issued subject to the terms and conditions imposed in said Permit 66165, and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This temporary permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this temporary permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

Monthly records shall be kept of the amount of water pumped from this well and the records submitted to the State Engineer on a quarterly basis within 15 days after the end of each calendar quarter.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on **April 8, 2003** at which time all rights herein granted shall revert to the right being changed by this temporary permit.

The total combined duty of water under Permits 66163, 66164, 66165 and 66166 and Temporary Permits 68652-T, 68653-T, 68654-T and 68655-T shall not exceed 1,392.06 acre-feet annually.

Prior to any pumping under this permit, a dedicated monitoring well to measure the static water level shall be placed in a location approved by the State Engineer which will determine impacts to existing rights.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.75 cubic feet per second, but not to exceed 542.98 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before:

Proof of completion of work shall be filed before:

Water must be placed to beneficial use on or before:

Proof of the application of water to beneficial use shall be filed on or before:

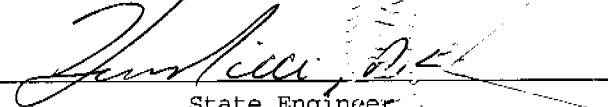
Map in support of proof of beneficial use shall be filed on or before:

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 9th day of April A.D. 2002


State Engineer

TEMPORARY

EXPIRED
DATE APR 08 2003 *DA*

EXHIBIT A

Dry Lake Water Company LLC
Application _____ -T, Item #7 & #8

PROPOSED PLACE OF USE

7. Proposed Place of Use: The exact places of use within the Apex Industrial Park are all within the "Place of Use" boundary as shown on the attached "Place of Use" map. The description of the lands within that boundary are more specifically listed below:

Township 17 South, Range 63 East: Parts of Sections 32 and 33

Township 18 South, Range 63 East: Parts of Sections 3, 4, 5, 8, 9, 10, 11, 13, 14, 20, 21, 22, 23, 24, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35

Township 19 South, Range 63 East: Parts of Sections 2, 3, 4, 5, 6, 7, 8, and 9

EXISTING PLACE OF USE

8. Existing Place of Use: The exact places of use within the Apex Industrial Park are all within the "Place of Use" boundary as shown on the attached "Place of Use" map. The description of the lands within that boundary are more specifically listed below:

Township 17 South, Range 63 East: Parts of Sections 32 and 33

Township 18 South, Range 63 East: Parts of Sections 3, 4, 5, 8, 9, 10, 11, 13, 14, 20, 21, 22, 23, 24, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35

Township 19 South, Range 63 East: Parts of Sections 2, 3, 4, 5, 6, 7, 8, and 9